

DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM

PZ 03-19-99

03/16/99 COUNCIL AGENDA ITEM

TO: Robert Rawls, Interim Town Administrator

THRU: Mark Kutney, AICP, Development Services Director

BY: Gayle Easterling, AICP, Planning & Zoning Manager

DATE: March 11, 1999

RE: Site Plan Modifications

The attached Ordinance modifies Section 12-374 of the Code of Ordinances to provide criteria to evaluate modifications to site plans. Those revisions determined to be minor modifications may be reviewed by staff while those determined to exceed the parameters will require review by the Site Plan Committee or Town Council.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE BY AMENDING SECTION 12-374 ENTITLED "MODIFICATION OF SITE PLAN"; PROVIDING FOR CRITERIA FOR NON-MATERIAL MODIFICATIONS TO SITE PLANS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, site plans are reviewed by the Town Council and require Council approval; and

WHEREAS, property owners may require modifications to the site plans as they prepare for development of the site; and

WHEREAS, the Town Council wishes to establish specific criteria for non-material amendments which do not require approval by the Site Plan Committee or Town Council while allowing Town staff approval for said non-material amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Section 12-374 of the Town Code is amended to read as follows:

(A) Any material change in use of buildings, land or water, or institution of new uses, or alteration of or addition to buildings or structures, or erection of new buildings or structures shall be in accordance with a new or modified development plan conforming with and approved pursuant to the preceding provisions.

(B) An amendment shall be considered a non-material modification if in compliance with each of the following limitations:

- (1) the change is a non-use modification;
- (2) the change is not an alteration that would otherwise require a variance or would not meet the requirements of the Code of Ordinances;
- (3) the setback or yard shown on the approved site plan for both principle and accessory buildings is not reduced below five (5) percent of that which was approved;
- (4) the lot coverage is not increased by more than two (2) percent of that which was approved;

- (5) the spacing between principal and accessory buildings is not reduced below five (5) percent of that which was approved;
- (6) the height of a building or structure is not increased by more than five (5) feet or the maximum permitted in the district, whichever is less;
- (7) the floor area ratio is not increased by more than two (2) percent of that which was approved, however in no event shall the floor area be increased under this subsection by more than two hundred (200) square feet;
- (8) the change or addition of a model dwelling unit having building colors, landscaping, and architectural features similar to other models which were approved;
- (9) changes to lot configurations in a residential development that do not increase the total number of lots shown on the approved plan;
- (10) changes to lot configurations in a residential development that do not reduce the square footage of any lot by more than two (2) percent or five hundred (500) square feet, whichever is less;
- (11) changes to lot configurations in a residential development that do not decrease the overall open space on the approved plan;
- (12) changes to landscape material, location, planting techniques, species, or size as deemed necessary due to availability or site conditions; and
- (13) changes that do not substantially decrease the value of or substantially change the character of any improvement or amenity.

(C) Upon considering whether a modification has met the criteria to be deemed a non-material modification, the Director of the Development Services Department, or their designee, shall render a decision as to whether the modification shall be reviewed by the Town staff and/or the Site Plan Committee. The Director shall have the discretionary authority to require Town Council review of any modification whether non-material or material.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 1999.

PASSED ON SECOND READING THIS _____ DAY OF _____, 1999.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.